

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, APRIL MUNIZ,  
MARCUS MARTIN, NATALIE ROMERO,  
CHELSEA ALVARADO, JOHN DOE, and  
THOMAS BAKER,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,  
CHRISTOPHER CANTWELL, JAMES  
ALEX FIELDS, JR., VANGUARD  
AMERICA, ANDREW ANGLIN,  
MOONBASE HOLDINGS, LLC, ROBERT  
“AZZMADOR” RAY, NATHAN DAMIGO,  
ELLIOT KLINE a/k/a/ ELI MOSLEY,  
IDENTITY EVROPA, MATTHEW  
HEIMBACH, MATTHEW PARROTT a/k/a  
DAVID MATTHEW PARROTT,  
TRADITIONALIST WORKER PARTY,  
MICHAEL HILL, MICHAEL TUBBS,  
LEAGUE OF THE SOUTH, JEFF SCHOEP,  
NATIONAL SOCIALIST MOVEMENT,  
NATIONALIST FRONT, AUGUSTUS SOL  
INVICTUS, FRATERNAL ORDER OF THE  
ALT-KNIGHTS, MICHAEL “ENOCHE”  
PEINOVICH, LOYAL WHITE KNIGHTS OF  
THE KU KLUX KLAN, and EAST COAST  
KNIGHTS OF THE KU KLUX KLAN a/k/a  
EAST COAST KNIGHTS OF THE TRUE  
INVISIBLE EMPIRE,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**JURY TRIAL DEMANDED**

**MOTION SEEKING LEAVE TO DEPOSE BENJAMIN DALEY**

Pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, Plaintiffs respectfully request leave to depose federal inmate Benjamin Daley, who is currently incarcerated in FCI Sheridan, 27072 Ballston Road, Sheridan, Oregon 97378. Mr. Daley was prosecuted in the Western District of Virginia for his conduct at the Unite the Right rally in Charlottesville Virginia on August 12, 2017. He pled guilty to one count of Conspiracy to Riot in violation of 18 U.S.C. § 371 and was sentenced to thirty-seven months. *U.S. v. Daley*, 18-cr-00025-NKM (W.D. Va.).

Consistent with this Court's July 1, 2020 Order (Doc. No. 791), Plaintiffs seek to depose Mr. Daley, an incarcerated witness, after the close of fact discovery. Plaintiffs communicated with the Federal Bureau of Prisons and understand that the facility can conduct depositions of inmates remotely.

For the Court's convenience, Plaintiffs have attached a proposed order granting this Motion.

Date: September 4, 2020

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2020, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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I further hereby certify that on September 4, 2020, I also served the following non-ECF participants, via electronic mail, as follows:

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